

**MAYOR & COUNCIL OF NEW CASTLE  
PUBLIC HEARING  
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE  
TUESDAY – FEBRUARY 12, 2002 – 6:30 P.M.**

A Public Hearing to discuss a request presented by Morris, Nichols, Arsht, and Tunnel on behalf of Parkway Gravel that a parcel of land containing 146+ acres located in an unincorporated part of New Castle County but adjacent to the boundaries of the City of New Castle be annexed into the City.

**Pledge of Allegiance to the Flag**

President Castango has appointed an Annexation Committee consisting of Chairperson Dr. Genieve Miller, Mayor Klingmeyer, Councilman DiAngelo, Councilman Balascio, Bruce Gordon, Bill Cramer, George Freebury, James Steele, Margaret Davis, Paul Flannigan, and Robert Martin.

Annexation Committee recommends annexation with stipulations.

Welcome, the petitioners, Donald Isken, partner in the firm of Morris, Nichols, Arsht, and Tunnel. Also present, Stephen Rosenfeld, project engineer. A plot plan was displayed to show proposed plan of development. Parcel 155+ acres of which approximately two-thirds consist of wetlands. Property is on both sides of Route 9. Proposed plan would consist of eight buildings of warehouse space, 40,000-80,000 square feet per building. Main entrance would be through Centerpoint entrance. This complex will be tied into Centerpoint.

**John DiMondi** – Proposed road off Route 9 going through trustee property.

**Donald Isken** – No, plan does not indicate that.

**Charlotte Houben** – When traffic comes out of Centerpoint will they go right or left? Will trucks take a right and go down Route 9? Is there an outlet on Route 9?

**Donald Isken** – Outlet on Route 9 goes south only.

**Charlotte Houben** – Wants to know what advantage to her town.

**Chris Castagno** – Read a list of 12 advantages for annexation for the community and read also a list of four disadvantages.

**Charlotte Houben** – How many trucks per day?

**Donald Isken** – 70-80 trucks per day.

**Charlotte Houben** – This plan for developing the land is not an asset for Washington Park.

**David June** – Civic League Director - Is a land swap proposed.

**Donald Isken** – We are not using wetlands.

**David June** – How much open space are we losing, about 100 acres. Preserving open space or using it.

**Flo Russell** – Using Centerpoint to Route 273. There is no guarantee that trucks would not use Washington Street to Route 9.

**Mr. Castango** – From the complex access to Route 9 will head south.

**Mr. Ferrara** – Curb designed so there will be limited access to complex.

**Flo Russell** – Wants a guarantee that trucks will not use Washington Street.

**Mr. Ferrara** – Designed to send traffic south. Cannot give a guarantee.

**John Houben** – Can you put a road into Johnson Way without using trustee property?

**Donald Isken** – No trustee property involved.

**John Houben** – Wants a traffic study and environmental study done. People who want to be annexed must also submit a cost revenue report (Chapter 29). This is along the coast line and who will monitor it.

**Mr. Castagno** – Approximate assessed value.

**Donald Isken** - \$15,000,000.00

**Charlotte Houben** – Using city to get permits.

**Charles Cobb** – Commercial zoning. Wants Planning Consultants to evaluate and get their opinion.

**Mr. Ferrara** – Example of their work on road behind Pier 13 and thinks citizens will be happy with their work.

**Mr. DiAngelo** – Went out and looked at buildings and found them satisfactory except they do not belong in New Castle.

**Mr. Balascio** – Entrance on Route 9, is there a weight limit on the bridge? Do you need a variance to cross railroad tracks? Is Johnson Way a public road? Annexation contingent on getting a right-of-way.

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**John Houben** – Ad Hoc Committee on rezoning. Wants all parts of the City to work together.  
Everyone wants a good quality of life for the City. Must work together.

Motion to adjourn the meeting by Dr. Miller and seconded by Mr. Balascio. Motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kate Toner".

Kate Toner  
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE  
REGULAR MONTHLY COUNCIL MEETING  
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE  
TUESDAY – FEBRUARY 12, 2002 – 7:15 P.M.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**Present:** Council President Castagno  
Councilman Balascio  
Councilman DiAngelo  
Councilwoman Dr. Miller  
Councilman Reese

**Also Present:** Mayor John Klingmeyer; Janet Carlin, Treasurer; Robert Martin, City Administrator; Senator Dori Connor; Representative Mike Mulrooney; City Solicitor Gerry Kavanaugh.

Review of protocol reminded of three minute limit. Keep to subject outline and refrain from profanity.

Mr. Castango offers Senator Dori Connor the floor.

**Senator Dori Connor** – Would like to correct a misunderstanding. This Grant will not go away in June 2002. Some good news: recommendations from Governor Minner budget to include \$750,000.00 for windows and doors for Court House.

Del Dot improvements on Route 141 and Washington Street will put sidewalks on Washington Street to Gambacorta Marsh.

Del Dot will have a public information hearing.

Proposed construction sidewalk from Gambacorta Marsh to Penn Mart Shopping Center. Del Dot has eminent domain.

**Mike Mulrooney** – Commends Secretary Hayward for doing terrific job.

**APPROVAL BY DATE OF COMMITTEE REPORTS**

Police Department Report	January 2002
Building Official Report	January 2002
Finance Department Report	January 2002

**Mr. Castagno** - Questioned standing water on street on West 11<sup>th</sup> Street.

**Mr. Martin** - Major problem with no plan on how to resolve.

**Mr. Castagno** – Loose bricks on 4<sup>th</sup> Street.

**Mr. Martin** – This problem has been resolved.

**Mr. Castagno** - Asked Dr. Miller about delinquent tax collections.

**Dr. Miller** – Agenda is working well. Vacant houses are being sold at Sheriff sale.

**Mr. Martin** – Approximately \$35,000.00 to \$40,000.00 increased revenue.

Motion made to approve Committee reports by Mr. Reese and seconded by Dr. Miller. Motion passed unanimously.

### **TREASURER'S REPORT**

Treasurer's report read by Janet Carlin – January 2002.

Dr. Miller motioned to accept the treasurer's report and was seconded by Mr. DiAngelo. Motion passed unanimously.

### **APPROVAL OF MINUTES**

Public Information	January 3, 2002
Regular Council Meeting	January 8, 2002
Special Hearing – Negotiations	

Dr. Miller moved to accept the minutes as submitted and seconded by Mr. Reese. Motion passed unanimously.

### **COMMUNICATIONS**

Mr. Castango received a letter from Mayor Klingmeyer advising Council of the resignation of Henry Herndon from the Planning Commission and request for George Freebury to be appointed. Needs to be approved by resolution and also needs to be on Agenda.

Communication from the trustees to rezone parcel of land—Dempsey's Diner, Texaco, and Soda Town. Currently retail commercial and wish to be rezoned. Wish to be rezoned to Service Commercial and had asked Planning Commission to look into this.

Have signed a lease with Colonial School District for Booker T. Washington School. The lease is for 25 years at \$1.00 per year.

Kick off meeting with new planner – Kise, Straw, and Kolander. Review outline of action. Suggested that Council members should attend these meetings – Workshop open to the public.

Municipal Service Commission willing to release building and front lawn on Wilmington Road for a Police Facility.

Del Dot holding a workshop, February 19, 2002, at 6:00 p.m. Council should be aware of this.

#### **COMMENTS FROM THE FLOOR**

**David June** – Agenda Item #5 – Is this a volunteer or salary position?

**Mr. Martin** – Salary position. Established under Section #11 of City Code (Board of Water and Light Commission).

**David June** – Have we considered a volunteer.

**Mr. DiAngelo** – Ask interested citizens if they are interested.

**Flo Russell** – Agenda Item #6 – Wants to give Council a guided tour through her development.

**Cindy Brittingham** – Questioned what Councilman DiAngelo was discussing.

**Bill Emery** – Wants to know if further discussions will be allowed?

#### **COMMENTS FROM THE MAYOR**

John Klingmeyer received a letter from Ad Hoc Committee of 350<sup>th</sup> Anniversary requesting to be dissolved.

John Houben speaking as chairperson explained the final disposition of the 350<sup>th</sup> Anniversary budget. Committee wants to thank City for letting them serve. All bills have been paid.

John Klingmeyer thanked those who served on Committee and that they have done a good job.

### **BUSINESS FROM COUNCIL PRESIDENT**

Mr. Castagno wants an update from Public Safety Department and asked Police Liaison Mr. Reese for a statement. Mr. Reese says it is continuing investigation. The incident occurred five hours before reported. A composite will appear in area papers.

### **BUSINESS FROM CITY ADMINISTRATOR**

Department of Transportation concerning enhancement to create a gateway into City of New Castle due to budget restraints. They will do their best with limited funds. Sincerely hope we can find a way to fund more of City requests.

Department of the Army has given a permit for Bull Hill Dock.

New Castle Sailing Club has submitted 2002 schedule for season.

Steering Committee from 350<sup>th</sup> Anniversary Celebration planted a tree in memory of September 11, 2001 with a concrete marker.

Del Dot advised of Public Workshop at Delaware Tech Administration – Stanton Campus on Tuesday, February 19, 2002. Workshop at 6:00 p.m. Public participation wanted.

Delaware League of Local Government meeting March 12, 2002 at the Capital Building. Recommend everyone use the bus.

### **SPECIAL PRESENTATION**

Presentation by Claudie J. Brock, Chairperson of the Board of Brock and Company. Mayor Klingmeyer introduced Claudie J. Brock, Representative of Welcome Committee, requesting permission to place a plaque at the foot of William Penn Statue.

**Mr. Reese** – Who is going to install plaque?

**Claudie Brock** – Welcome Society will install.

Dr. Miller made a motion to allow plaque to be installed at the base of William Penn Statue and seconded by Mr. Reese. Motion passed unanimously.

A presentation of the Pavement Program Report was given by Alan Kercher, Del Dot T2. It is a federally sponsored program. It surveys the City's streets and prioritizes a task management list in regards to drainage problems, intersection improvement, and paving. The report was offered to Council. It is a summary report of what should be done on all streets and should be used as a primary planning tool.

### **UNFINISHED BUSINESS**

Resolution #2002-01 – Transferring and assigning inspection services from the City's Building Department to the Municipal Service Commission in regard to water service infrastructure.

Dr. Miller motioned to approve Resolution #2002-01 (copy attached) and seconded by Mr. Reese. Motion passed unanimously.

Resolution #2002-03 – For subdivision fee and land development fee per Section A239-2 and Section A239-3 of the City Code.

Mr. Balasico made a motion to table Resolution until March 2002 and was seconded by Dr. Miller. Motion passed unanimously.

Presentation of FY 2000—2001 audit of City Finances.

Update on the status of Armory – Solicitor Jerry Kavanaugh spoke with the attorney for the owner about letter of intent. The appraisal is proceeding. Letter of intent means good intention of both parties to proceed in good faith.

**John Klingmeyer** – City still looking at other sites.

**Gerry Kavanaugh** – No problem looking at other sites.

### **NEW BUSINESS**

Discussed with Claudie Brock eariler.

**Discussion of comment from the Public Hearing regarding request to annex parcel land** ning 155+ acres located in an unincorporated part of New Castle County but adjacent to the boundaries of the City of New Castle.

Mr. DiAngelo request this be turned over to the Planner and Planning Commission.

Gerry Kavanaugh says annexation will not take place until zoning is decided.



Mr. Castagno on Public Hearing process. Is their attorney aware of City's time line?

**Discussion and action on 4<sup>th</sup> & Chestnut on whether to proceed with either:**

- a. Re-zone from Historic Residential to Historic Commercial
- b. Make application to the Board of Adjustment for a special exemption.

Passed on to Planning Commission and Planner.

**Bank Resolution (3) to pay the following:**

1. Merit Construction in amount of \$59,850.00 for contract #2001-02 – Delaware Wharf Stabilization.
2. Harmony Construction in amount of \$51,800.25 for contract #2001-01 – City Wide Paving Estimate #1.
3. Harmony Construction in amount of \$60,000.00 for contract #2001-01- City Wide Paving.

Mr. Reese made a motion to pass bank resolutions and it was seconded by Mr. Balascio. Motion passed unanimously.

**City Council appointment to Municipal Service Commission.**

Mr. Balascio made a motion to reappoint George Freebury and it was seconded by Dr. Miller.

Mr. DiAngelo made a motion to strike the motion. Advertise vacancy on MSC and interview applicants for MSC.

Dr. Miller said the entire Council should interview.

Mr. DiAngelo want to establish a policy for further use as it relates qualification. Should have a process.

Dr. Miller motioned to strike the motion. Remotion to reappoint George Freebury to MSC. Roll call vote: Mr. Balascio, yes; Mr. DiAngelo, abstained; Dr. Miller, yes; Mr. Reese, yes (with a short postscript). Motion passed.

**First and second reading of Parking Ordiannce #399.** Dr. Miller made a motion to table Parking Ordinance until March 2002. It was seconded by Mr. Reese. Above motion passed with Mr. DiAngelo being opposed.

**Action on annual State Mosquito Control and Municipal Endorsement** – DNREC mosquito control. Mr. DiAngelo motioned for authorization to participate in State Mosquito Control Program. Mr. Reese seconded. Passed unanimously.

**COMMENTS FROM THE FLOOR**

**Cindy Brittingham** – Concern about parking on lawns. Big issues are tractor trailers.

**Mr. Kavanaugh** – Parking same as New Castle County.

**Mr. Castagno** – Same communities may receive handout literature.

**Cindy Brittingham** – Police are not enforcing the laws. Don't want tickets for something public is not aware of.

**Mr. Balascio** – This can be put in News Journal. Initial enforcement may be warnings.

**Mr. Kavanaugh** – Can be implemented at Council discretion.

**Mr. Martin** – The police do use discretion.

**Flo Russell** – Is very mad. There is not warning. Wants trucks and cars moved off the lawns. Enough is enough. Everyone should know the rules of the City. Her attorney has experience.

**Charlotte Houben** – Does not understand why this has been tabled. Does not appreciate neighbors bad habits. Accused Mr. Kavanaugh of causing delay.

**Mr. Balascio** – Parking Ordinance #399 is more complete. Have made it understandable. Ordinance is readable by residents.

**Charlotte Houben** – What is readable by citizen of New Castle. Nobody is going to read it unless it is enforced. Has been complaining for 40 years. Nothing is ever done.

**Mr. Balascio** – Tries to explain how Ordinance has been clarified.

**Charlotte Houben** – Washington Park has deed. City does not enforce deed restrictions.

**John Klingmeyer** – City does not enforce deed restrictions. An agreement between home owner and private company.

**Mr. Reese** – Anyone who is a high school senior should be aware trustees give Grants. Fill out an application. Wants students to apply for Grants.

**Bill Emery** – Builds industrial parks in Delaware. Potential over 40,000 square feet. Probability of 48 tenants. A major congestion issue. New Castle County is backlogged. Strict codes. Builders are looking for other avenues. Parking issues are not enforced by police. Third and Delaware is a congested area. Worried about parking issues.

**Flo Russell** – Did you research New Castle County Regulations. Will hear from her attorney.

Mr. Reese motioned to move executive session. It was seconded by Mr. Balascio. Passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kate Toner".

Kate Toner  
City Clerk